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ARTICLE

- “CROSSING-OVER:” THE ISSUE-PRECLUSIVE EFFECTS OF A CIVIL/CRIMINAL ADJUDICATION UPON A PROCEEDING OF THE OPPOSITE CHARACTER..... 141**

Susan W. Brenner

This article explores the area of “cross-over” collateral estoppel in civil/criminal actions. The article examines the legal history of the concept that a validly-entered judgment has issue-preclusive effects in a subsequent litigation. Following the exploration of collateral estoppel which “crosses over” from a civil to a criminal litigation, or vice versa, the article concludes that conventional arguments regarding the disutility of “cross-over” estoppel should be rejected, to be replaced with an analytical approach which recognizes the specific virtues which the concept can exhibit in an appropriate context.

COMMENTS

- STRICT LIABILITY AND STATE-OF-THE-ART EVIDENCE IN ILLINOIS..... 237**

This comment discusses Illinois’ treatment of state of the art evidence as a defense to a strict liability claim. The article argues that Illinois should disallow the defense in the area of unknowable risk for the same reasons that Illinois disallows the defense in undiscoverable risk.

- SERVER VS. DRIVER LIABILITY: A SUGGESTED CHANGE TO REDUCE DRINKING AND DRIVING..... 257**

This article explores the two major approaches to liquor server liability currently being used in the various jurisdictions across the country. The article assesses the strengths and weaknesses of the alternative approaches and concludes that certain adjustments in the dram shop laws, coupled with additions to the insurance requirements and vehicle inspection program, will help to make drivers aware of the costs of drinking and driving, thereby reducing the incidence of drunk driving.

CASENOTE

A SOBERING RIDE HOME: OBREMSKI V. HENDERSON 279

A growing number of jurisdictions have adopted the view that intoxicated drivers may not only be subject to criminal prosecution by the state for their reckless conduct, but may also be held liable in a civil action for monetary damages by their injured victims. This article examines this growing trend and concludes that this civil remedy will help insure that victims will not go uncompensated, as well as trying to provide a disincentive to drinking and driving by assessing treble damages and attorney's fees to the plaintiff in the civil action.

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